

REMARKS

This responds to the Office Action mailed August 8, 2005. Claims 1-5 are pending.

Claims 1 – 4 have been rejected under § 102(a) as being anticipated by Hayami et al. (Pub. No. US 2002/0163814 A1) (“Hayami”). Claim 5 has been rejected as obvious under §103(a), over Hayami in view of Ito U.S. Patent No. 5,833,345 (“Ito”).

Claims 1 – 4 have not been amended. Claim 5 has been amended to bring it into conformity with U.S. terminology. Reconsideration of the rejections and allowance of all of the claims, in view of the following, is respectfully requested.

Claim Rejections – 35 USC §102(a)

Claims 1 – 4 have been rejected under § 102(a) as being anticipated by Hayami. The rejection is respectfully traversed because the cited reference fails to disclose at least one element of each claim.

With respect to Claim 1, the Office Action states that “Hayami discloses a vehicle lighting apparatus having two passing headlights (swivel lamp, Fig. 2, item 30), two auxiliary headlights (fixed lamp, Fig. 2, item 20) The auxiliary headlights are for producing an auxiliary regulation lighting beam (Par. 0037, lines 2-4). The central unit extinguishes the passing headlights when it detects failure of the passing headlight (Par. 0064) and produces a compensating light beam by the un-defected headlights (Par. 0063).”

Claim 1 states that “. . . the apparatus further includes a central unit which, when it detects failure of a said passing light in a said deflected position, causes the faulty passing light to be extinguished and at least one of the said auxiliary headlights to be lit. . . .” Hayami does not disclose a central unit that causes at least one auxiliary headlight to be lit when it detects a failure of a passing light. Rather, the source that produces the compensating beam in Hayami is

the swivel lamp (*see* Par. 0063), which, as the examiner notes, is a passing light. The auxiliary light that the Office Action refers to is a “fixed lamp.” There is no indication that this auxiliary lamp performs the above mentioned claim limitation. This limitation is not present in the reference. Allowance of claim 1 is respectfully requested.

Claims 2 – 4 depend, either directly or indirectly, from claim 1. Accordingly, those claims are allowable for the same reasons stated with respect to claim 1.

In addition, the dependent claims 2 – 4 are also allowable as not anticipated for the independent and distinct reasons set forth below.

Claims 2 – 4 each add features of the “auxiliary headlights.” Hayami discloses a “fixed lamp” as an auxiliary headlight. None of the features claimed in the dependent claims are disclosed for the fixed lamp of Hayami. Accordingly, claims 2 – 4 are independently allowable based upon those features. Allowance of claims 2 – 4 is respectfully requested.

Claim Rejections – 35 USC §103

Claim 5 has been amended to bring it into conformity with U.S. terminology and is not intended to change the scope of the claim in any way.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hayami in view of Ito. Claim 5 depends from claim 4, which depends from claim 2, which ultimately depends from claim 1. Each claim adds aspects not disclosed by Hayami and Ito, alone or in combination. Accordingly it is allowable for the same reasons set forth above. Therefore claim 5 is allowable. Allowance of claim 5 is respectfully requested.

CONCLUSION

Based on the foregoing, reconsideration and allowance of this application is respectfully requested. In the event any issues remain and the Examiner believes they could potentially be resolved as part of a telephone conversation, the Examiner is urged to contact the undersigned at the phone number indicated.

The Commissioner is authorized to charge any additional fees required for the extension of time or consideration of this Amendment on the merits to Deposit Account No. 13-4500, Order No. 4024-4008.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.



Richard Straussman
Registration No. 39,847

Dated: November 16, 2005

By:

CORRESPONDENCE ADDRESS:
MORGAN & FINNEGAN, L.L.P.
Three World Financial Center
New York, New York 10281-2101
(212) 415-8700 Phone
(212) 415-8701 Facsimile